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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ortyn et al.

Attorney Docket No. BIOL0038

Serial No.: 10/082,805

Group Art Unit: 1632

Filed: February 21, 2002

Examiner:

Title: METHOD AND APPARATUS FOR LABELING AND ANALYZING
CELLULAR COMPONENTSINFORMATION DISCLOSURE STATEMENT

Bellevue, Washington 98004

May 9, 2002

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

- ☒ 1. Copies of the listed patents, publications, and other information are enclosed for the Examiner's use.
- ☐ 2. Copies of the listed patents, publications, and other information were previously cited by or submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. § 120.
- ☐ 3. A concise explanation of the relevance of document I.D. No. _____ (which is not in the English language), as presently understood by the individual designated under 37 C.F.R. § 1.56(c) most knowledgeable about its content, is provided _____.
- ☒ 4. Pursuant to 37 C.F.R. § 1.97(b), this information disclosure statement is being filed within three months of the filing date of the national application, within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits.
- ☐ 5. Pursuant to 37 C.F.R. § 1.97(c), this information disclosure statement is being filed after the period set forth in 37 C.F.R. § 1.97(b) but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, and is accompanied by:
- a. _____ a certification as specified in 37 C.F.R. § 1.97(e); or
- b. _____ the fee set forth in 37 C.F.R. § 1.17(p). Check No. _____ in the amount of \$_____ is enclosed.

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1 — 6. Pursuant to 37 C.F.R. § 1.97(d), this information disclosure statement is being filed
2 after the mailing date of either:

3 a. — a final action under 37 C.F.R. § 1.113; or

4 b. — a notice of allowance under 37 C.F.R. § 1.311,

5 but before payment of the issue fee. The statement is accompanied by a
6 certification as specified in 37 C.F.R. § 1.97(e), a petition requesting
7 consideration of the information disclosure statement, and the petition fee set
8 forth in 37 C.F.R. § 1.17(i)(1). Check No. _____ in the amount of
9 \$___ is enclosed.

10 X 7. Please charge any additional fees or credit any overpayment to Deposit Account
11 No. 01-1940. A copy of this sheet is enclosed.

12 Respectfully submitted,

13 *Ron Anderson*

14 Ronald M. Anderson
15 Registration No. 28,829

16 I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed
17 envelope as first class mail with postage thereon fully prepaid addressed to: Director of the Patent and
18 Trademark Office, Arlington, VA 22202, on May 9, 2002.

19 Date: May 9, 2002

20 *Harmon Stule*

**INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE
PROSECUTION OF THE SUBJECT APPLICATION**

Applicants: Ortyn et al. Attorney Docket No. BIOL0038
 Serial No.: 10/082,805 Group Art Unit: 1632
 Filed: February 21, 2002 Examiner:
 Title: METHOD AND APPARATUS FOR LABELING AND ANALYZING
 CELLULAR COMPONENTS

U.S. PATENT DOCUMENTS

*Examiner Initial	ID	Document No.	Date	Name	Class	Sub- Class
	US1	4,786,165	11/22/1988	Yamamoto et al.	356	23
	US2	5,159,397	10/27/1992	Kosaka et al.	356	73
	US3	5,159,398	10/27/1992	Maekawa et al.	356	73
	US4	5,159,642	10/27/1992	Kosaka	382	6
	US5	5,247,339	09/21/1993	Ogino	356	73
	US6	5,272,354	12/21/1993	Kosaka	250	574
	US7	5,422,712	06/06/1995	Ogino	356	73
	US8	5,444,527	08/22/1995	Kosaka	356	73
	US9	5,471,294	11/28/1995	Ogino	356	73
	US10	5,539,517	07/23/1996	Cabib et al.	356	346
	US11	5,548,395	08/20/1996	Kosaka	356	73
	US12	5,596,401	01/21/1997	Kusuzawa	356	23
	US13	5,633,503	05/27/1997	Kosaka	250	458.1
	US14	5,644,388	07/01/1997	Maekawa et al.	356	73
	US15	5,674,743	10/07/1997	Ulmer	435	287.2
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	US17	5,708,153	01/13/1998	Dower et al.	536	22.1
	US18	5,760,899	06/02/1998	Eismann	356	326
	US19	Re. 35,868	08/11/1998	Kosaka	250	574
	US20	5,831,723	11/03/1998	Kubota et al.	356	73
	US21	5,855,753	01/05/1999	Trau et al.	204	484
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	US23	6,140,493	10/31/2000	Dower et al.	536	25.4
	US24	6,143,497	11/07/2000	Dower et al.	435	6
	US25	6,165,717	12/26/2000	Dower et al.	435	6
	US26	6,256,096	07/03/2001	Johnson	356	335

FOREIGN PATENT DOCUMENTS

<u>*Examiner Initial</u>	<u>ID</u>	<u>Document No.</u>	<u>Publication Date</u>	<u>Country</u>	<u>Class</u>	<u>Sub- Class</u>	<u>Translation?</u>
_____	F1	WO 97/40385	30.10.1997	PCT	GO1N33	543	No
_____	F2	WO 99/24458	20.05.1999	PCT	CO7K1	10	No
_____	F3	WO 00/42412	20.07.2000	PCT	GO1N 15/02	12	No
_____	F4	WO 00/32542	08.06.2000	PCT	CO7B61	00	No

OTHER INFORMATION

_____	O1	Ong, S.-H.; Horne, D.; Yeung, C.-K.; Nickolls, P.; Cole, T. "Development of an Image Flow Cytometer." Analytical and Quantitative Cytology and Histology. XIVth International Conference on Medical and Biological Engineering and the VIIth International Conference on Medical Physics, Espoo, Finland. August 11-15, 1985. Pp. 375-382.
_____	O2	Ong, Sim Heng. "Development of a System for Imaging and Classifying Biological Cells in a Flow Cytometer." Doctor of Philosophy Thesis. University of Sydney, School of Electrical Engineering. August 1985.

Examiner's Signature

Date

*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RMA:ssa
5/9/02